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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,886	12/26/2001	Masud Beroz	TESSERA 3.0-143 DIV DIV	7965
530	7590	02/25/2005	EXAMINER TUGBANG, ANTHONY D	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ART UNIT 3729	PAPER NUMBER

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,886

Applicant(s)

BEROZ ET AL.

Examiner

A. Dexter Tugbang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 5,7-13 and 20-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicant(s) amendment and response filed on 12/6/04 has been fully considered and made of record.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The rejections below are maintained and hereby repeated for the applicant(s) convenience.

Election/Restrictions

3. Claims 5, 7-13 and 20-43 continue to stand as being withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/6/04.
4. Newly submitted Claim 44 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons.

Claim 44 recites the specifics of a substantially continuous flexible sheet that extends across the aperture from a first point on the frame to a second point on an opposite side of the frame, as these specifics are distinct and independent from each of Claims 1, 14 and 16 that recites a flexible sheet that merely extends across the aperture and is not inclusive of being substantially continuous.

Since applicant has received an action on the merits for the originally presented invention (Claims 1-4, 6 and 14-19), this invention has been constructively elected by original presentation

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for prosecution on the merits. Accordingly, Claim 44 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

5. Claims 1, 3, 4, 6, 14-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bilback 3,828,215.

Bilback discloses a framed sheet comprising: a frame (shown in Figs. 1 and 2) having an rectangular shaped aperture and a structure; a flexible sheet 16 having oppositely-facing exterior surfaces and a first metallic layer (either one of conductors 63, 64 or 46), a main region (bottom portion of sheet 16 in Fig. 2) extending across the aperture; the frame including more than one contact opening or holes (pierced regions discussed at col. 4, lines 57-62) extending through the structure and surrounded by a contact region, the sheet and the structure including an inner bond region (mating surfaces of 10, 16, 17) that mechanically isolates the contact region from the main region of the sheet, which meets all of the structural limitations of the claimed framed sheet.

The “whereby...” clause (last 3 lines of Claim 1) is fully satisfied by Bilback in that Bilback shows at least one electrical contact extending from components 34, 37 in which the structure of the contact region of the sheet is capable of not causing deformation of the main region of the sheet.

Regarding Claim(s) 15 and 16 and the limitations directed to the sheet being sealed to the mounting surface of the frame, see col. 3, lines 28+, in which Bilback discusses the use of glass

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plates 14, 15 to seal the sheet to the mounting surface. It is these glass plates that expose an exterior surface of the sheet through the aperture.

Further regarding Claim(s) 16, the claimed “fillet” is broadly read as sealing material 47 (shown in Fig. 1).

Regarding Claim(s) 19, the structure includes an inner edge (vertical edge surfaces in Fig. 2) bounding the aperture and an inner edge surface (horizontal edge surfaces in Fig. 2) intersection a mounting surface (front surface of frame) with the inner edge surface sloping outwardly in a perpendicular manner away from the inner edge.

Claim Rejections - 35 USC § 103

6. Claims 2, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilback in view of Boudreau 5,528,826.

Bilback discloses the structure of the claimed invention as relied upon above, further including a “radius”, which is read as the small holes (not labeled) at the corners of the rectangular shaped aperture in sheet 16 (shown in Fig. 2). This “radius” joins the rear surface (back surface of the frame) and the inner edge surface (horizontal edge surfaces of aperture).

Bilback does not teach that the structure of the frame is partially formed from a dielectric material, as required by Claim 2, or that the rear surface (back surface of the frame) is less than 10 mm from the mounting surface (front surface of the frame in Fig. 2), as required by Claim 17.

Bondreau teaches that structures of frames can be made from a dielectric material with dimensions that include less than 10 mm between the rear surface and the mounting surface of the frame, i.e. thickness (see col. 2, lines 35-45).

It is noted that the frames of both Bilsback and Bondreau each share that the frames formed are of a printed wiring board type with insulating or dielectric materials for electrical circuits. Bondreau teaches that the above material and dimensions at least allow the associated advantage of forming very thin frames or printed wiring board types with circuit patterns (see col. 1, lines 7+).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the structure and material of Bilsback by including the dielectric material and dimensions of Bondreau, to positively form art recognized equivalent frames with very thin circuit patterns.

Response to Arguments

7. Applicant's arguments filed 12/6/04 have been fully considered, but have not been deemed to be found as persuasive.

In regards to the merits of Bilsback, the applicant(s) argue that Bilsback does not teach that the frame holds the sheet taut (required at lines 8-9 of Claim 1).

First, the examiner notes that these limitations are not even recited in each of independent Claims 14 and 16. Second, the examiner most respectfully disagrees with this assertion for the following reasons. The applicant(s) assert that the ordinary meaning of the term of "taut" is that the sheet is tightly drawn and not loose or flabby. In viewing the cross-sectional view of Figure

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1 of Bilsback, the flexible sheet 16 is held by the frame in a manner that is considered to be tightly drawn and not loose and flabby. The cross-hatched areas of sheet 16 are shown in a “taut” manner, therefore, Bilsback fully satisfies these limitations.

The applicant(s) also argue that Bilsback does not teach a main region of the flexible sheet that extends across the aperture of the main region (lines 6-7 of Claim 1).

To clarify the examiner’s position, Figure 1 of Bilsback has been included (Attachment A). In Attachment A, the examiner has illustrated a main region of the sheet 16 that extends across the aperture (opening in layer 10 that is occupied by glass plate 14). This “main region” of the sheet 16 extends into the aperture and also extends across the aperture from bottom edge of the aperture to the top edge of the aperture from the orientation shown in Figure 1. Nowhere do the claims recite that the “main region extends from one side of the frame to the other side so as to cover the entire aperture area”. It appears that the applicant(s) are arguing more specifically than that which is claimed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant(s) further argue that Bilsback does not teach any “fillet” (required at lines 17-18 in Claim 16). The examiner agrees with the applicant(s) that the term “fillet” is not expressly defined in the specification. In Claim 16, the recitation of the fillet having a “rounded edge” is not recited and the ordinary meaning of the term of “fillet” does not necessarily include a “rounded edge”. For example, the definition¹ of the term “fillet” means: ...*a narrow strip of material or similar material...*, which does not include any meaning directed to rounded edges.

¹ From the American Heritage Dictionary

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So the sealing material 47 of Bilback is not misplaced. The sealing material 47 of Bilback can correctly be read as the “fillet” because it is a material that joins the first exterior surface of the sheet 16 to the inner edge surface of the structure of the frame. It appears that the claim would have to be amended to include that the structure of the fillet has at least one “rounded edge” in order to avoid Bilback.

With respect to the 103 rejections above with Bilback and Boudreau, the examiner maintains that this combination would be obvious insomuch as Bilback fully satisfies the limitations of Claims 1, 3, 4, 6, 14-16 and 19 for the reasons set forth above by the examiner.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. This application contains Claims 5, 7-13 and 20-44 drawn to an invention nonelected with traverse in the response dated 4/6/04. A complete reply to the final rejection must include

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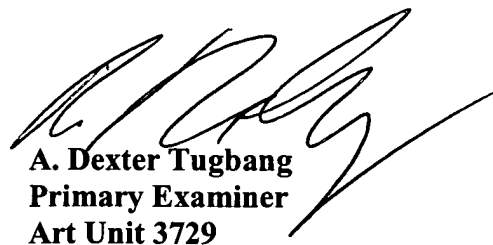
cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570.

The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


A. Dexter Tugbang
Primary Examiner
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February 22, 2005